

REMARKS

The applicants have amended claims 1 and 15. Claims 1-16 and 22 are currently pending.

In light of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are patentably distinct and requests allowance of all the pending claims.

Drawings:

The Examiner objected to the drawings, stating "[t]he drawings must show every feature of the invention specified in the claims." The applicants respectfully traverse this rejection.

In an effort to advance the application to issuance, however, the applicants have added Figure 8 and request the Examiner's approval of this new figure. In light of this new figure, the applicants request withdrawal of the objection to the drawings.

Claim Rejections-35 U.S.C. § 102

Paragraph 4: Claims 1-5, 10-12, and 15 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,593,229 issued to *Warr*. Applicants respectfully traverse this rejection.

Warr discloses a bag with a removable corner for pouring purposes, and a handle located in the center of the top edge of the bag for carrying purposes. The handle is centered around the vertical centerline of the bag. *Warr* does not teach a location of the entire handle being positioned on an opposite side of the vertical centerline from the pouring region. Nor does *Warr* mention that the location of the handle is essential to ease pouring.

In sharp contrast, claims 1 and 15 of the applicants' invention recite a handle located entirely on an opposite side of the vertical centerline from the pouring region. An advantage of the claimed invention is that a user tends to place one hand proximal to the bottom corner

positioned beneath the pouring spout. Accordingly, positioning the handle on an opposite side of the vertical centerline from the spout increases the leverage for tilting the bag and pouring its contents, and also increases control of the bag while doing so.

Therefore, the applicants respectfully submit that claims 1 and 15 (and their dependent claims) are patentably distinct from *Warr*. Reconsideration and withdrawal of the pending rejection is requested.

Paragraph 5: Claims 1, 13, 14 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,911,562 issued to *Mazzeschi*. Applicants respectfully traverse these rejections.

Mazzeschi discloses a collapsible can that has an elongated pouring mouth with removable closure means near a slanted edge that contains the handle. In *Mazzeschi's* can, the pouring mouth of the collapsible can has to have an elongated shape in order to be sealed.

Mazzeschi fails to disclose a container that has a rectangular-like shape. In order to use the provided key for closure in the *Mazzeschi* container, the pouring mouth has to extend out from the end edge of the container. The mouth, as disclosed, has to be defined by flexible plastics material that extends out from the end edge. This configuration also helps to control the pouring of liquid, which is the purpose of *Mazzeschi's* invention. This configuration gives the container a non-rectangular shape. Also, *Mazzeschi* discloses a slanted edge that contains the handles. The slanted edge is needed in the *Mazzeschi* container in order to facilitate carrying and pouring the liquid. If the handles were not in a slanted edge as disclosed, the container would be ergonomically diminished. Therefore, the *Mazzeschi* container must be non-rectangular in shape to serve its intended purpose.

In contrast, the applicants, as amended, claim a bag that has a rectangular-like shape, which is desirable to reduce manufacturing costs and required to produce flexible packages economically using standard, off-the-shelf packaging equipment. Costly modifications to this equipment would be required to produce a package similar to that described by *Mazzeschi*. These modifications would significantly increase the cost of the product. In addition, an elongated pouring region is both unnecessary and undesired due to economic considerations.

Therefore, the applicants respectfully submit that claim 1 (and its dependent claims) are patentably distinct from *Mazzeschi*. Reconsideration and withdrawal of the pending rejection is requested.

Regarding Claim 22, *Mazzeschi* discloses a method of pouring liquid from a container where one hand is used to grip a handle at the back, upper corner of the container and the other hand is used to grip a handle on the front slanted part of the container. In contrast, the applicants claim a method of pouring contents from a bag where the first hand is used to grip a handle positioned adjacent to a corner along a first end edge and the second hand is used to grip a second corner positioned along a second end edge of the bag, the second end edge being positioned opposite the first end edge, and the second corner being positioned catercorner from the handle.

Therefore, *Mazzeschi* fails to teach all of the elements set forth in Claim 22, and for at least this reason Claim 22 is believed to be patentable over *Mazzeschi*. Thus, the Examiner is respectfully requested to withdraw the rejection.

Paragraph 6: Claims 1, 2, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,309,008 issued to *Huck*. Applicants respectfully traverse these rejections.

As with *Warr*, *Huck* discloses a bag with a handle located in the center of the top edge of the bag for carrying purposes. The handle is centered around the vertical centerline of the bag. *Huck* does not teach a location of the entire handle being positioned on an opposite side of the vertical centerline from the pouring region. Nor does *Huck* mention that the location of the handle is essential to ease pouring.

In sharp contrast, claim 1 of the applicants' invention recites a handle located entirely on an opposite side of the vertical centerline from the pouring region. An advantage of the claimed invention is that a user tends to place one hand proximal to the bottom corner positioned beneath the pouring spout. Accordingly, positioning the handle on an opposite side of the centerline from the spout increases the leverage for tilting the bag and pouring its contents, and also increases control of the bag while doing so.

Therefore, the applicants respectfully submit that claim 1 (and its dependent claims) are patentably distinct from *Huck*. Reconsideration and withdrawal of the pending rejection is requested.

Paragraph 7: Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,276,579 issued to *DeLoach*. Applicants respectfully traverse these rejections.

DeLoach discloses a softsided beverage cooler which includes a rigid beverage container and an insulating cover which receives the beverage container. The top edge end of the

insulating cover that receives the beverage container needs to be opened completely in order to receive the kinds of containers used in the disclosed assembly.

DeLoach fails to disclose a bag having the claimed elements, that is, a bag having a rectangular-like shape, a vertical centerline, with a pouring region located on an opposite side of the centerline from the handle. The location of the handle to the centerline creates more leverage to ease and control pouring.

Therefore, the applicants respectfully submit that claim 1 (and its dependent claims) are patentably distinct from *DeLoach*. Reconsideration and withdrawal of the pending rejection is requested.

Claim Rejections-35 U.S.C. § 103

Paragraph 9: Claims 6, 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Warr*. Applicants respectfully traverse these rejections.

Claims 6 and 7 depend from and further limit Claim 1. Claim 16 depends from and further limits claim 15. It is shown above that *Warr* does not disclose the elements of claims 1 and 15, as amended. Nor does the *Warr* reference make these claims obvious. Accordingly, the Examiner is respectfully requested to withdraw these rejections.

CONCLUSION

Figure 8 has been added. Claims 1 and 15 have been amended. No new matter has been added. Because claims 1-16 and 22 are not anticipated by, or obvious in light of, any of the cited references, applicants respectfully requests the Examiner issue a Notice of Allowance.

There may be other arguments in addition to those submitted herein that support patentability of the claims presented in this application. The applicants reserve the right to raise any such arguments in the future.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**VERSIONS WITH MARKINGS TO SHOW CHANGES MADE**".

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Please amend the specification, at Page 4, Line 11 to add the following:

Figure 8 is a side view of another alternative embodiment of the bag illustrated in Figures 2-4.

In the Claims:

Please amend claims 1 and 15 as follows:

1. (Amended) An apparatus for carrying and delivering pourable product, the apparatus comprising:

a bag having a rectangular-like shape, a vertical centerline, and a pouring region formed on one side of the centerline; and

a handle operably connected to the bag, the entire handle being on an opposite side of the vertical centerline from the pouring region.

15. (Amended) An apparatus for carrying and delivering pourable product, the apparatus comprising:

a bag having first and second sidewalls, an interior volume, an end edge, oppositely disposed corners formed along the end edge, a vertical centerline and a pouring region formed on one side of the vertical centerline;

pourable product positioned within the interior volume; and

a handle operably connected to the bag, the handle being adjacent one corner, and located entirely on an opposite side of the vertical centerline from the pouring region, and the pouring region adjacent to the oppositely disposed corner, the handle being defined by a hole passing through the first and second sidewalls.